

Jennifer M. Jones, Esq. (901532012)  
**McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP**  
1300 Mount Kemble Avenue  
P.O. Box 2075  
Morristown, New Jersey 07960  
(973) 993-8100  
(973) 425-0161  
*Attorneys for Defendant Cintas Corporation No. 2*  
*(improperly pled as "Cintas Corporation")*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CONSTANCE FIORINO, and JOSEPH  
FIORINO,

Plaintiffs,

v.

TRACTOR SUPPLY COMPANY, INC.,  
and CINTAS CORPORATION,

Defendant(s).

Civil Action No.:

**NOTICE OF REMOVAL**

To: Clerk  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

On Notice to: Clerk  
Superior Court of New Jersey  
Law Division – Ocean County  
118 Washington Street  
Toms River, New Jersey 08753

John James, Esq.  
**FRIEDMAN, JAMES & BUCHSBAUM LLP**  
21 Kilmer Drive  
Building 2, Suite G  
Morganville, NJ 07751  
*Attorneys for Plaintiffs*

Marc R. Jones, Esq.  
CIPRIANI & WERNER, P.C.  
155 Gaither Drive, Suite B  
Mount Laurel, New Jersey 08054  
*Attorneys for Defendant Tractor Supply Company, Inc.*

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§1332 and 1441 *et seq.*, Defendant Cintas Corporation No. 2 (improperly pled as “Cintas Corporation”) (hereinafter “Cintas”), by its undersigned attorneys, hereby remove this action entitled *Constance Fiorino and Joseph Fiorino v. Tractor Supply Company, Inc. and Cintas Corporation*, Docket Number: OCN-L-1846-22, from the Superior Court of New Jersey, Law Division, Ocean County, to this Court.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to 28 U.S.C. §1446(d), a copy of this Removal Petition is being filed with the Clerk of the Superior Court of New Jersey, Law Division, Ocean County and will be served on the other parties to this action.

**PLEASE TAKE FURTHER NOTICE** that by effecting removal of this civil action, Cintas reserves all rights to raise any and all defenses available under the Federal Rules of Civil Procedure including, but not limited to, Fed. R. Civ. P. 12.

**PLEASE TAKE FURTHER NOTICE** that Defendant Tractor Supply Company, Inc. consents to removal.

**PLEASE TAKE FURTHER NOTICE** that in support of this Notice of Removal, Cintas relies upon the following:

1. On August 19, 2022, Plaintiffs filed a Complaint in the Superior Court of New Jersey, Law Division, Ocean County. On August 22, 2022, Plaintiffs filed an Amended Complaint in the same court. The Summons and Amended Complaint were served on Cintas on August 26, 2022. Attached as Exhibit A to this Notice of Removal is a copy of the Summons and Amended Complaint that were served, together with a Civil Case Information Sheet, a Track Assignment Notice and Proof of Service. The documents attached as Exhibit A constitute all of the process and pleadings served upon Cintas in this action. There are no pending hearings or motions.

2. The Amended Complaint names Tractor Supply Company and Cintas Corporation, as defendants. See Exhibit A.

3. Upon information and belief, Plaintiffs are, and at all relevant times have been, residents of New Jersey. Id.

4. Cintas's principal place of business is located in Cincinnati, Ohio, and it is incorporated in Nevada.

5. Defendant Tractor Supply Company, Inc.'s principal place of business is located in Tennessee, and it is incorporated in Delaware.

6. Thus, the citizenship of all parties is diverse as defined under 28 U.S.C. § 1332(a) in that Plaintiffs are citizens of the State of New Jersey, Cintas is a citizen of the State of Ohio and the State of Nevada, and Defendant Tractor Supply Company, Inc. is a citizen of Tennessee and Delaware.

7. This civil action is one over which this Court has original jurisdiction under 28 U.S.C. § 1332(a) and is one that may be removed to this Court by Cintas pursuant to 28 U.S.C. § 1441(a), in that it is a suit constituting a dispute between citizens of different states, and the matter in controversy exceeds the sum of the value of \$75,000, exclusive of interest and costs.

8. This Notice of Removal is being filed within thirty days after service on Cintas of the initial pleading and summons. See 28 U.S.C. 1446(b)(1).

9. The Amended Complaint alleges that on January 4, 2021, Plaintiff Constance Fiorino was entering Defendant Tractor Supply Company, Inc.’s place of business, located at 599 Route 9, Waretown, New Jersey, when she tripped over a floor mat and sustained injuries. Exhibit A.

10. The Amended Complaint also alleges that as a result of the alleged negligence of Defendants, Plaintiff “has been seriously injured and permanently disabled[.]” Id. at ¶¶ 6.

11. Although the Amended Complaint does not specify the actual amount of damages Plaintiffs seek, upon information and belief, it is in excess of \$75,000, exclusive of interest and costs.

12. Removal jurisdiction, therefore, exists under 28 U.S.C. § 1441.

13. Venue lies in the United States District Court for the District of New Jersey because the state-court action was filed in this district. 28 U.S.C. § 1441(a).

14. By effecting removal of this action, Cintas does not admit any of the allegations made in the Amended Complaint.

WHEREFORE, Cintas respectfully submits that this case proceed in the United States District Court for the District of New Jersey as an action timely and properly removed.

**McELROY, DEUTSCH, MULVANEY  
& CARPENTER, LLP**

*Attorneys for Defendant Cintas Corporation No. 2  
(improperly pled as “Cintas Corporation”)*

By: s/ Jennifer M. Jones

Jennifer M. Jones

Dated: September 19, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Notice of Removal is being filed on this date with the Clerk of the Superior Court of New Jersey, Law Division, Ocean County, and served on counsel for the other parties via e-court filing:

John James, Esq.  
FRIEDMAN, JAMES & BUCHSBAUM LLP  
21 Kilmer Drive  
Building 2, Suite G  
Morganville, NJ 07751  
*Attorneys for Plaintiff*

Marc R. Jones, Esq.  
CIPRIANI & WERNER, P.C.  
155 Gaither Drive, Suite B  
Mount Laurel, New Jersey 08054  
*Attorneys for Defendant Tractor Supply Company, Inc.*

*s/ Jennifer M. Jones*  
Jennifer M. Jones

Dated: September 19, 2022

# **EXHIBIT A**

SUMMONS

Attorney(s) FRIEDMAN, JAMES & BUCHSBAUM LLP  
Office Address 21 Kilmer Drive, Building 2, Suite G  
Town, State, Zip Code Morganville, NJ 07751

Telephone Number (212) 233-9385

Attorney(s) for Plaintiff Constance Fiorino and Joseph Fiorino

CONSTANCE FIORINO and

JOSEPH FIORINO,

Plaintiff(s)

vs.

TRACTOR SUPPLY COMPANY, INC.,

and CINTAS CORPORATION,

Defendant(s)

Superior Court of  
New Jersey

Ocean County

Law Division

Docket No: OCN-L-001846-22

CIVIL ACTION  
SUMMONS


From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at

[http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf)

  
Clerk of the Superior Court

DATED: 08/23/2022

Name of Defendant to Be Served: CINTAS CORPORATON, c/o Corporation Service Company

Address of Defendant to Be Served: 300 Deschutes Way SW Ste. 208 MC-CSC1, Tumwater, WA 98501

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**FRIEDMAN, JAMES & BUCHSBAUM LLP**

21 Kilmer Drive  
Building 2, Suite G  
Morganville, NJ 07751  
(212) 233-9385  
Attorneys for Plaintiffs

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: OCEAN COUNTY**

-----X  
CONSTANCE FIORINO, and  
JOSEPH FIORINO,

Plaintiffs,

-against-

TRACTOR SUPPLY COMPANY, INC.  
and CINTAS CORPORATION,

Defendants.  
-----X

Docket No.: OCN-L-001846-22

Civil Action

**AMENDED COMPLAINT  
AND JURY DEMAND**

Plaintiffs, CONSTANCE FIORINO and JOSEPH FIORINO, residing at 22 Janal Way, Manahawkin, New Jersey 08050, complaining of the defendants, TRACTOR SUPPLY COMPANY, INC. and CINTAS CORPORATION, state upon information and belief as follows:



**FIRST COUNT**  
**AGAINST DEFENDANT TRACTOR SUPPLY COMPANY, INC.**

1. At all times hereinafter mentioned, defendant TRACTOR SUPPLY COMPANY, INC. was and still is a Delaware corporation authorized to transact business in the State of New Jersey, having an office and/or place of business located in Ocean County, New Jersey.

2. At all times hereinafter mentioned, defendant TRACTOR SUPPLY COMPANY, INC., owned, maintained, managed, controlled, and/or leased premises located at 599 Route 9, Waretown, New Jersey which was used as a retail building materials, hardware and garden supply store.

3. On or about January 4, 2021, while plaintiff CONSTANCE FIORINO was entering the premises located at 599 Route 9, Waretown, New Jersey, she was caused to trip and fall on an improperly placed and carelessly maintained floor mat and sustained severe personal injuries by reason of the negligence and carelessness of defendant TRACTOR SUPPLY COMPANY, INC.

4. As a direct and proximate result of the aforesaid negligence of defendant TRACTOR SUPPLY COMPANY, INC., its agents, servants, and/or employees, plaintiff CONSTANCE FIORINO has been seriously injured and permanently disabled, and has suffered and will suffer in the future great pain and suffering, and has been unable to engage in her usual activities.

WHEREFORE, by reason of the foregoing, plaintiff CONSTANCE FIORINO demands judgment for damages against defendant TRACTOR SUPPLY COMPANY, INC. in a just and reasonable amount, together with interest and costs of suit.

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**SECOND COUNT**  
**AGAINST DEFENDANT CINTAS CORPORATION**

1. Plaintiff CONSTANCE FIORINO repeats and realleges each and every allegation of the First Count as though fully set forth at length herein.

2. At all times hereinafter mentioned, defendant CINTAS CORPORATION was and still is a Washington corporation authorized to transact business in the State of New Jersey having an office and place of business located in Ocean County, New Jersey.

3. At all times hereinafter mentioned, defendant CINTAS CORPORATION supplied floor mats to defendant TRACTOR SUPPLY COMPANY, INC. at 599 Route 9, Waretown, New Jersey.

4. At all times hereinafter mentioned, defendant CINTAS CORPORATION placed and maintained said floor mats at defendant TRACTOR SUPPLY COMPANY, INC.'s aforesaid premises.

5. On or about January 4, 2021, while plaintiff CONSTANCE FIORINO was entering the premises at 599 Route 9, Waretown, New Jersey, she was caused to trip and fall on an improperly placed and carelessly maintained floor mat and sustained severe personal injuries by reason of the negligence and carelessness of defendant CINTAS CORPORATION

6. As a direct and proximate result of the aforesaid negligence of defendant CINTAS CORPORATION, its agents, servants, and/or employees, plaintiff CONSTANCE FIORINO has been seriously injured and permanently disabled and has suffered and will suffer in the future great pain and suffering and has been unable to engage in her usual activities.

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WHEREFORE, by reason of the foregoing, plaintiff CONSTANCE FIORINO demands judgment for damages against defendant CINTAS CORPORATION in a just and reasonable amount, together with interest and costs of suit.

**THIRD COUNT AGAINST DEFENDANTS  
TRACTOR SUPPLY COMPANY, INC.  
AND CINTAS CORPORATION**

1. Plaintiff JOSEPH FIORINO repeats and realleges each and every allegation of the First and Second Counts of this Amended Complaint as if fully set forth at length herein.

2. On January 4, 2021 and at all times hereinafter mentioned, plaintiff JOSEPH FIORINO was and is the husband of plaintiff CONSTANCE FIORINO and was entitled to her services, society, consortium, and support.

3. Solely as a result of the January 4, 2021 occurrence set forth in the First and Second Counts above, plaintiff JOSEPH FIORINO was deprived of the services, society, consortium, support, and sexual relations of and with his aforesaid wife, plaintiff CONSTANCE FIORINO.

WHEREFORE, by reason of the foregoing, plaintiff JOSEPH FIORINO demands judgment for damages against defendants TRACTOR SUPPLY COMPANY, INC. and CINTAS CORPORATION in a just and reasonable amount, together with interest and costs of suit.

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**JURY DEMAND**

Plaintiffs demand trial by jury.

**CERTIFICATION PURSUANT TO R.4:5-1**

I hereby certify that the present matter in controversy is not the subject of any other action pending in any other court or any pending arbitration proceeding, and no arbitration proceeding is contemplated, to the best of my knowledge and belief. I further certify that I do not know the name of any other party who should be joined in this matter.

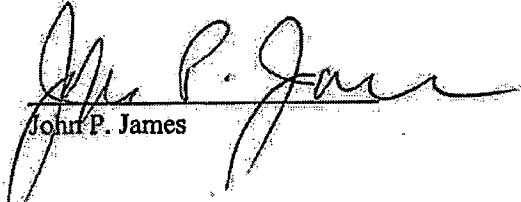
**NOTICE OF DESIGNATION  
OF TRIAL COUNSEL PURSUANT TO R.4:25-4**

John P. James is hereby designated as trial counsel for plaintiffs.

Dated: August 22, 2022

**FRIEDMAN, JAMES & BUCHSBAUM LLP**  
Attorneys for Plaintiff

By:

  
John P. James

CivilCaseJacket.pdf

<https://portal.njcourts.gov/webcivilcj/CIVILCaseJacketWeb/pages/ci...>

OCN-L-001846-22 08/20/2022 5:12:17 AM Pg 1 of 1 Trans ID: LCV20223020996

OCEAN COUNTY SUPERIOR COURT  
OCEAN COUNTY COURTHOUSE  
CIVIL LAW DIVISION  
TOMS RIVER NJ 08754

**TRACK ASSIGNMENT NOTICE**

COURT TELEPHONE NO. (732) 504-0700  
COURT HOURS 8:30 AM - 4:30 PM

DATE: AUGUST 19, 2022  
RE: FIORINO CONSTANCE VS TRACTOR SUPPLY COMPA NY, IN  
DOCKET: OCN L -001846 22

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

**THE PRETRIAL JUDGE ASSIGNED IS: HON MARK A. TRONCONE**

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002  
AT: (732) 504-0700 EXT 64366.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

**ATTENTION:**

ATT: JOHN P. JAMES  
FRIEDMAN JAMES & BUCHSBAUM LLP  
21 KILMER DRIVE  
BUILDING 2 SUITE G  
MORGANVILLE NJ 07751

ECOURTS

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## Civil Case Information Statement

**Case Details: OCEAN | Civil Part Docket# L-001846-22**

**Case Caption:** FIORINO CONSTANCE VS TRACTOR  
SUPPLY COMPA NY, IN  
**Case Initiation Date:** 08/19/2022  
**Attorney Name:** JOHN PATON JAMES  
**Firm Name:** FRIEDMAN JAMES & BUCHSBAUM LLP  
**Address:** 21 KILMER DRIVE BUILDING 2 SUITE G  
MORGANVILLE NJ 07751  
**Phone:** 2122339385  
**Name of Party:** PLAINTIFF : Florino, Constance  
**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** PERSONAL INJURY  
**Document Type:** Complaint with Jury Demand  
**Jury Demand:** YES - 6 JURORS  
**Is this a professional malpractice case?** NO  
**Related cases pending:** NO  
**If yes, list docket numbers:**  
**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO  
**Does this case involve claims related to COVID-19?** NO  
**Are sexual abuse claims alleged by: Constance Fiorino?** NO  
**Are sexual abuse claims alleged by: Joseph Fiorino?** NO

**THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE**  
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO  
**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO  
**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

08/19/2022  
Dated

/s/ JOHN PATON JAMES  
Signed

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SUPERIOR COURT OF NEW JERSEY OCEAN COUNTY LAW DIVISION

Plaintiff / Petitioner:  
CONSTANCE FIORINO and JOSEPH FIORINO  
Defendant / Respondent:  
TRACTOR SUPPLY COMPANY, INC. and CINTAS CORPORATION

Case No:  
OCN-L-001846-22  
DECLARATION OF SERVICE

The undersigned, being first duly sworn on oath deposes and says: That he/she is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

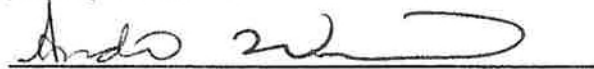
That on Fri, Aug 26 2022 at 02:55 PM, at the address of 300 DESCHUTES WAY SW SUITE 208, within TUMWATER, WA, the undersigned duly served the following document(s): CIVIL ACTION SUMMONS; AMENDED COMPLAINT AND JURY DEMAND; TRACK ASSIGNMENT NOTICE; CIVIL CASE INFORMATION STATEMENT in the above entitled action upon CINTAS CORPORATION C/O CORPORATION SERVICE COMPANY, REGISTERED AGENT, by then and there personally delivering 1 true and correct copy(ies) of the above documents into the hands of and leaving same with ELLEN JONES, CUSTOMER SERVICE ASSOCIATE SOP.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 08/30/2022

Job: 7563777 (FIORINO V. TRACTOR SUPPLY & CINTAS)

Subscribed and sworn to before me by the affiant who is personally known to me.



Notary Public

08/30/2022 09/04/2025

Date Commission Expires



TEEK MOSER  
#16-0928-09

Quick Service dba Puget Sound Process  
PO BOX 3310  
RENTON, WA 98056

